

STATE OF CALIFORNIA
Board of Medical Quality
Assurance

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

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Veronica A. Lopez 10/25/84
SIGNED DATE

Chief Enforcement
TITLE

In the Matter of the Application)
for Modification of Probation of)
WILLIAM H. DAVIS, M.D.)
Respondent.)

NO. D-1412
N-6573

DECISION

The above-described application came on for hearing before a quorum of the Board of Medical Examiners, with Rudolf H. Michaels, Hearing Officer, Office of Administrative Hearings, presiding, on June 20, 1975 in San Francisco, California.

Maya Sanchez Vasquez, Deputy Attorney General, represented the Attorney General.

The applicant, William H. Davis, M.D., was present without being otherwise represented.

Oral and documentary evidence was received and the matter was submitted for decision. The Board makes the following findings of fact, determination of issues and order:

FINDINGS OF FACT

I

On July 1, 1964, respondent was licensed as a physician and surgeon by the State Board of Medical Examiners (hereafter referred to as the "Board").

II

By decision of the Board, effective February 19, 1974, respondent's license was revoked pursuant to Sections 2384, 2391.5, 2399.5 and 2361 of the Business and Professions Code on the grounds

of unprofessional conduct consisting of improperly prescribing dangerous drugs and narcotics and certain criminal convictions. The revocation was stayed and respondent was placed on probation for seven years on conditions which included that he "shall surrender his Federal narcotics permit and shall not apply for issuance of such a permit without the specific approval of the Board" and that he "shall not prescribe for any person any narcotic or dangerous drug."

III

Respondent filed an application for modification of the conditions of probation dated December 27, 1974, pursuant to Sections 1353, 1354 and 2376.5 of the Business and Professions Code.

IV

Respondent has complied with the conditions of probation imposed on him. The probation imposed on him by the courts was terminated on November 27, 1974. He is employed as a physician at Napa State Hospital where he could function more effectively, and where the quality of patient care would benefit, if the privilege of prescribing the drugs listed and described in Sections 11057 (Schedule IV) and 11058 (Schedule V) of the Health and Safety Code were restored to him. At Napa State Hospital, the system of dispensing and controlling drugs is such that the prescribing physician is not in a position to use his own prescription to secure any drugs for his own use.

DETERMINATION OF ISSUES

Good cause was established by respondent for modification of the conditions of probation as requested.

ORDER

The petition is granted. The conditions of probation contained in the order of the Board described in Finding II are modified by striking the conditions numbered 5. and 6. and summarized in Finding II, and by substituting the following conditions:

5. Specific approval is granted to respondent to apply for, and to exercise the privileges of, a DEA number, provided, however, that the exercise of these privileges shall

be limited to

(a) prescriptions issued by respondent in the scope and course of his employment in a sheltered environment approved by the Board; and

(b) to drugs listed in Sections 11057 (Schedule IV) and 11058 (Schedule V) of the Health and Safety Code of California.

6. Respondent shall submit to any and all laboratory tests requested of him by investigators of the Board in the performance of their official duties.

All remaining conditions of probation shall remain unchanged. This order shall become effective forthwith.

Dated this 8th day of July, 1975.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

By Harry A. Oshelmann, Jr. MD